

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SIDNEY MECHAM,	)	
	)	Civil No. 07-1503-ST
Plaintiff,	)	
	)	
v.	)	
	)	ORDER TO PROCEED
NAIDEAN PURINGTON,	)	IN FORMA PAUPERIS
	)	AND TO COLLECT INMATE
Defendant.	)	FILING FEE

STEWART, Magistrate Judge.

Plaintiff, an inmate at the Multnomah County Inverness Jail, moves to proceed *in forma pauperis* (docket #1). An examination of the application reveals that plaintiff is unable to afford the fees of this action. Accordingly, IT IS ORDERED that the provisional *in forma pauperis* status given the plaintiff is confirmed. However, the Clerk of the Court shall not issue process until further order of the court.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner proceeding *in forma pauperis* is required to pay the full filing fee of \$350.00

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FILING FEE

when funds exist. Plaintiff has authorized the agency having custody of him to collect the filing fee from his prison trust account when funds exist. However, plaintiff has been without funds for the six months immediately preceding the filing of his complaint. Accordingly, the court shall not assess an initial partial filing fee. 28 U.S.C. § 1915(b)(2). When funds exist, plaintiff shall be obligated to make monthly payments of 20 percent of the preceding month's income credited to plaintiff's trust account. These payments shall be collected and forwarded by the agency having custody of plaintiff to the Clerk of the Court each time the amount in plaintiff's trust account exceeds \$10.00, until the filing fee is paid in full. *Id.*

#### **CONCLUSION**

Plaintiff's provisional *in forma pauperis* status is CONFIRMED. IT IS ORDERED that the Multnomah County Sheriff or his designee shall collect payments from plaintiff's prison trust account and shall forward those payments to the Clerk of the Court in accordance with the formula set forth above until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and number assigned to this action.

The Clerk of the Court is directed to send a copy of this order to the Multnomah County Sheriff at 11540 NE Inverness Drive, Portland, Oregon 97220.

IT IS SO ORDERED.

DATED this 28th day of November, 2007.

/s/ Janice M. Stewart  
Janice M. Stewart  
United States Magistrate Judge